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***Lead Plaintiff Class Counsel in MDL No. 2029***

***Liaison Plaintiff Counsel in MDL No. 2029***

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

<b>IN RE ONLINE DVD RENTAL ANTITRUST LITIGATION</b>	<b>Master File No. 4:09-md-2029 PJH</b> <b>MDL No. 2029</b> <b>Hon. Phyllis J. Hamilton</b>
This document relates to:  <b>ALL ACTIONS</b>	<b>PLAINTIFFS' TRIAL WITNESS LIST</b>

Pursuant to Paragraph B.3.e of the Court's July 13, 2009 Pretrial Order No. 4 (Dkt. No. 43), Plaintiffs hereby submit their list of witnesses to be called at trial, either in person or by deposition, other than solely for impeachment or rebuttal.

In addition to the witnesses listed below, Plaintiffs reserve the right to call any witness on Defendant Netflix's witness list or called at trial by Defendant Netflix. Plaintiffs also reserve the right to call witnesses not listed below for purposes of rebuttal.

#### Plaintiffs' Witness List for Trial

##### **A. Class Plaintiff Representatives**

<b>Witness</b>	<b>Substance of Testimony</b>
Eastman, Bryan	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Magee, Stan	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Latham, Amy	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Orozco, Michael	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Resnick, Andrea	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Salvi (aka Miscioscia), Melanie	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Sivek, Liza	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Wiener, Michael	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury

##### **B. Other Witnesses**

<b>Witness</b>	<b>Substance of Testimony</b>
Antioco, John	Blockbuster role in DVDR market; Blockbuster role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
Becker (aka Teitz), Jessica	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
Best Buy Records Custodian	Foundation for documents

1	Beyer, John	Relevant market; market structure; market power; Wal-Mart's role in DVDR market; chronology of events in DVDR market; changes in marketplace during 2010; market allocation agreement; impact on class members resulting from market allocation agreement and Wal-Mart's exit from the market; economic evidence is consistent with Plaintiffs' theories of liability, injury, and damages; calculation of class-wide damages (see expert reports for more details)
2	Blockbuster Records Custodian	Foundation for documents
3	Brinton, Lynn	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
4	Colella (aka Lester), Amy	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
5	Crawford, Deborah	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
6	Evangelist, Shane	Blockbuster role in DVDR market; Blockbuster role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
7	Fleming, John	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
8	Geisler, Jerry	Custodian of records for Wal-Mart; foundation for documents
9	Gundlach, Greg	Wal-Mart as a competitor; Wal-Mart's role in DVDR market (see expert reports for more details)
10	Hastings, Wilmot Reed Jr.	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
11	Hunt, Neil	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
12	Kilgore, Leslie	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
13	Kirincich, Paul	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
14	Mertz, Elinor	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents

1	McCarthy, Barry	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
2	Nave, Steven	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
3	Netflix Records Custodian	Foundation for documents
4	Ordover, Janusz	Interviews with Netflix employees; acts of DVDR market participants
5	Ross, Kenneth	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
6	Sarandos, Ted	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
7	Savage, Neve	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
8	Sevick, Matthew	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
9	Sheehan, Kathy	Custodian of records for Amazon; foundation for documents
10	Stabingas, Mark	Amazon role in DVDR market; Amazon role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
11	Stead, Edward	Blockbuster role in DVDR market; Blockbuster role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
12	Stevenson, Bryan	Custodian of records for Blockbuster; foundation for documents
13	Sussman, Ari	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
14	Swasey, Steven	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
15	Swint, Kevin	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
16	Thompson, Reginald	Custodian of records for Netflix; foundation for documents
17	Tran, Mark	Blockbuster role in DVDR market; Blockbuster role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents

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1	Van der Meulen, Jorrit	Amazon role in DVDR market; Amazon role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
2	Vazquez, Raul	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
3	Wal-Mart Records Custodian	Foundation for documents

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9 DATED: November 15, 2011

Respectfully submitted,

10 BY: /s/ Robert G. Abrams  
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29 *Members of the Steering Committee for*  
30 *Plaintiffs in MDL No. 2029*

## **CERTIFICATE OF SERVICE**

I certify that on the 15th day of November 2011, a true and correct copy of Plaintiffs' Trial Witness List was served by operation of the electronic filing system of the U.S. District Court of the Northern District of California upon all counsel who have consented to receive notice of filings in the matters styled *In re Online DVD Rental Antitrust Litigation*.

/s/ Cadio Zirpoli  
Cadio Zirpoli